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070640Z Mar 05

UNCLAS SECTION 01 OF 02 MANAMA 000321

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STATE FOR NEA/ARPI DBERNS AND EB/IPE SWILSON  
USTR FOR JBUNTIN  
COMMERCE FOR ITA/MAC/ONE CLOUSTAUNAU AND THOFFMAN  
GENEVA FOR USTR

E.O. 12958: N/A

TAGS: [ECON](#) [ETRD](#) [KIPR](#) [BA](#)

SUBJECT: BAHRAIN: YEAR 2005 SPECIAL 301 REVIEW

REF: STATE 24592

1. Summary. In 2004, Bahrain sustained a strong anti-piracy policy, seizing nearly 60,000 audiovisual products, mostly audio CDs and Video Compact Discs (VCDs). The GOB legalized its Microsoft software and is now purchasing, rather than illegally copying, additional software products. Five of Bahrain's eight proposed intellectual property right (IPR) laws are still pending in parliament, including: trademarks; industrial design; plant varieties; integrated circuits; and copyrights. Laws concerning trade secrets (2003); patent and utility models (2004); and geographic indications (2004) were passed. The Nice Agreement was adopted in 2003, and legislation to implement seven additional international treaties and conventions is pending ratification, including: the Patent Cooperation Treaty; the Madrid agreement concerning the international registration of marks; the Vienna Agreement establishing an international classification of the figurative elements of marks, the Trademark Law Treaty; the Patent Law Treaty; the Budapest Treaty on the international recognition of the deposit of microorganisms for the purpose of patent procedure; and the International Convention for the Protection of New Varieties of Plants. End Summary.

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Strong Enforcement of Optical Media Piracy Laws  
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2. Optical media piracy in Bahrain is not a homegrown industry, said Jamal Dawood Salman, the Ministry of Information's Director of Publications and Press. Salman maintained that pirated CDs enter Bahrain from the Far East, primarily from Indonesia, Thailand and Malaysia, and are brought in small quantities by passengers entering the country through Bahrain's airport. The proportion of pirated items seized at the country's ports is increasing relative to those found during shop raids, Salman said, because fewer illegal products are making it to the shelves. Nevertheless, it is estimated that approximately 500,000 pirated media items enter the country every year, only 12 percent of which is detected and captured.

3. The Directorate performed 580 shop raids in 2004. Salman's office confiscated and destroyed 60,000 illegal audiovisual items including (in order of volume) audio CDs, VCDs, DVDs, video games (in particular Sony PlayStation) and computer software. Salman stressed the need for legal clarity regarding the distribution of Zone 1 media products in Bahrain due to differing interpretations by US government and non-government entities. Salman, himself a FTA negotiator, stated that during FTA negotiations, the U.S. FTA team made it clear that the sale and distribution of Zone 1 DVDs were legal in Bahrain provided that the items are original and not pirated. The Ministry of Industry and Commerce also agrees to the legality of the distribution of Zone 1 media in Bahrain. However, the Motion Picture Association has noted its disapproval of the sale of Zone 1 DVDs in non-Zone 1 regions and questions the legality of this practice. Despite these concerns, the Directorate is working in conjunction with the Motion Picture Association, directly with studios such as Warner Brothers, Disney, and Paramount, and with the Arabian Anti-piracy Alliance to improve detection and stem the flow of pirated products into Bahrain. Comment: Making Bahrain a Zone 1 movie outlet would substantially reduce Bahrain's parallel import problem. End Comment.

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Government Software Legalized  
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4. The GOB legalized all its Microsoft software through an October 5, 2003 MOU. The agreement is designed to keep the GOB legal by offering new releases, technical support, training and special incentives for schools and students. GOB desktops are "clean" (free from illegal software) and ministries are buying (rather than illegally copying) additional products, said Bahrain Microsoft Business

Development Manager Samir Benmakhlouf. He said that the GOB is complying fully with the MOU and its commitments to protect IPR.

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IPR Legislation Under Review  
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15. Bahrain is serious about developing quality intellectual property protection legislation, said Jameel Al Alawi, Director of Agreements and Treaties, Directorate of Legal Affairs, Ministry of State for Cabinet Affairs. Within the last two years the Bahraini Parliament passed three IP laws: Trade Secrets; Geographical Indicators; and Patents. The Trademarks law and the Copyrights law are with the parliament, ready for a vote. The parliament is currently studying Integrated Circuits; Plant Varieties; and Industrial Design drafts. Bahrain adopted the Berne Convention for the protection of Literary and Artistic Works; the Paris Convention for the protection of Industrial Property; and the Nice Agreement concerning the international classification of goods and services, according to Shaikh Daij Bin Salman Al Khalifa, Assistant Undersecretary for Foreign Trade, Ministry of Industry and Commerce. Al Khalifa also noted that seven additional conventions and treaties are at an advanced stage of deliberation in parliament, including: the Patent Cooperation Treaty; the Madrid agreement concerning the international registration of marks; the Vienna Agreement establishing an international classification of the figurative elements of marks; the Trademark Law Treaty; the Patent Law Treaty; the Budapest Treaty on the international recognition of the deposit of microorganisms for the purpose of patent procedure; and the International Convention for the Protection of New Varieties of Plants.

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WIPO Treaty Accessions Soon  
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16. Legislation supporting the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty was approved by the Council of Representatives September 2004 and is currently with the Shura Council (the appointed house of Bahrain's National Assembly).

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